

H/8

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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MAY 04 2004

Applicant(s): Lee et al.

Examiner:

Bradford

Serial No.: 09/740,080

Group Art Unit:

3762

Filed: 18 December 2000

Docket No.:

P-8788.00

Title: Large-Scale Processing Loop for Implantable Medical Devices

OFFICIAL

RENEWED PETITION UNDER 37 CFR 1.137(b)

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MAY 06 2004

OFFICE OF PETITIONS

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (703) 872-9306

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. Applicants received a non-final agency decision dismissing the prior petition, said agency decision was mailed 4 March 2004 and set a two-month period for Applicants to request reconsideration of the non-final decision. By facsimile transmission this 4<sup>th</sup> day of May, 2004, Applicant hereby request reconsideration.

Herewith Applicants submit a Request for Continued Examination (RCE) in response to the outstanding final office action.

Applicants hereby renew the prior petitions for revival of this application. Applicants realized that the initial Petition to Revive erroneously stated that Applicants had inadvertently failed to pay a patent issue fee instead of referring to the absence of a proper response to a final office action. Applicants subsequent Petition to Revive attempted to correct the erroneous statement, but still lacked a proper response to a final office action.

Control No. 09/740,080  
Art Unit 3762

Applicants herewith renew the Petition to Revive; accordingly, enclosed please find the following:

- 1) Authorization to charge petition fee of \$1330.00, as well as any deficiencies, and credit any overpayments, to Deposit Account No. 13-2546;
- 2) Request for Continued Examination; and
- 3) Copy of Notice of Abandonment.

Since this application was filed after June 8, 1995, no terminal disclaimer is required.

### STATEMENT

Applicants assert that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(B) was unintentional.

Respectfully submitted,

Lee et al

Dated: 4 May '04

By: 

Paul H. McDowall

Registration No. 34,873

Telephone: (763) 514-3351

Customer No. 27581

MAY. 4. 2004 4:43PM

MEDTRONIC LAW DEPT

NO. 0882 P. 6/7



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1430  
Alexandria, Virginia 22313-1430  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,080	12/18/2000	Michael Thomas Lee	P-8788	4542

27581 7590 07/29/2003  
MEDTRONIC, INC.  
710 MEDTRONIC PARKWAY NE  
MS-LC340  
MINNEAPOLIS, MN 55432-5604

EXAMINER

BRADFORD, RODERICK D

ART UNIT

PAPER NUMBER

3762

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKET

*PHM*  
*8/1/03 Notice of Abandonment*

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JUL 31 2003

LAW DEPARTMENT  
MEDTRONIC, INC.

PTO-90C (Rev. 07-01)

**Notice of Abandonment**

Application No.

09/740,080

Examiner

Roderick Bradford

Applicant(s)

LEE ET AL.

Art Unit

3762

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☒ A proposed reply was received on March 14, 2003, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

*L. Bradford 4/1/03*

GEORGE R. EVANISKO  
PRIMARY EXAMINER  
*4/4/03*

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTO-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 14